GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – All India Services – Sri P.S.Srinivasa Sastry, IFS (2002), formerly Divisional Forest Officer (FAC), Wildlife Management Division, Eluru – Disciplinary Proceedings under Rule 8 of All India Services (Disciplinary & Appeal) Rules, 1969 – Article of Charge framed – Further action dropped – Orders - Issued.

GENERAL ADMINISTRATION (SC.D) DEPARTMENT

G.O.RT.No. 1175 **Dated: 20-07-2020.**

Read the following:

Ref:-1. From the EFS&T Dept U.O. Note No.4380/Section. II/2017, EFS & T Dept., Dt.13.10.2017.
2. From the PCCF (HoFF), A.P., Guntur Ref No.13524/2017/Vig-1, dated 11.11.2017
3. G.O.Rt.No.843, General Administration (SC.D) Department dated 18.04.2018
4. From the PCCF (HoFF), A.P., Guntur Ref No.13524/2017/Vig-1, dated 02.09.2018 along with Written Statement of Defence of Sri P.S.Srinivasa Sastry dated 06.08.2018.
5. Government Memo No.106/SC.D/A2/2017, dated 16.10.2018.
6. From the PCCF (HoFF), A.P., Guntur Ref No.13524/2017/Vig-1, dated 13.09.2019.

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ORDER:

The Hon'ble High Court in its order dt.15.12.2015 in WP No.4864/2015 among others have issued orders as follows:

> "Disciplinary Proceedings be initiated against the Divisional Forest Officer, Wild Life Management, Eluru Division, Eluru, West Godavari District for his collusion with Indukuri Venkata Ramaraju and allowing the structures such as sluice, water sump and motor shed erected by him to continue to remain even after the above G.O. (*G.O.Ms.No.120, EFS&T Dept dated 01.10.1999)* was issued notifying KWS".

2. In compliance of the Hon'ble High Court orders, in the reference 3rd read above, article of charge was framed against Sri P.S.Srinivasa Sastry, IFS (2002), formerly Divisional Forest Officer (FAC), Wildlife Management Division, Eluru on the allegation of violating Rule 3 (1) and 3 (2) of the All India Service (Conduct) Rules, 1968 as follows:-

> The Member of Service (MoS) has neglected his legitimate duty and colluded with Sri Indukuru Venkata Rama Raju, R/o. Kaikaluru (V) & (M), Krishna District and allowed the structures such as Sluice, Water sump and motor shed erected by the said individual in the Ac. 0.09 cents in R.S. No. 39 of which falls below +5 contour of Kolleru Wildlife Sanctuary and failed to report the activities to the higher officials and kept silent and also submitted false affidavits before the Judicature and violated Section 34-A of Wildlife (Protection) Act, 1972 and general duties and responsibilities of Forest Officers under Section 151 of A.P. Forest Department Code.

3. The MoS in his written statement of defence dated 06.08.2018 while denying the charge submitted as follows:

> He worked as Divisional Forest Officer, Eluru (T) Division from 11.04.2015 to 30.06.2016. During that period, he was kept in additional charge of Wildlife Management Division, Eluru in 3 spells i.e. from 11.04.2015 to 23.11.2015, 23.12.2015 to 03.02.2016 and 17.05.2016 to 30.06.2016 the jurisdiction of which spreads over in 3 districts viz… West Godavari, Krishna and Guntur. He was also in additional charge of Social Forestry Division, Eluru from 25.08.2015 to 30.09.2015 and Sub Divisional Forest Officer, Koyyalagudem from 11.11.2015 to 30.06.2016. It can be seen from the above facts, he held charge of

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Eluru (T) Division for 447 days. Simultaneously, he was in full additional charge of WLM Division, Eluru for 315 days in 3 spells Sub Division Koyyalagudem for 233 days and SF Division, Eluru for 37 days. Each Division /Sub-Division by itself is having heavy workload with multifarious functions needs independent full time officer to discharge the duties and functions entrusted to him effectively in independent charge. In view of multiple charges of divisions he held, there was heavy work load and to carry /bear single handedly. He had to look after protection problems in natural forests and on river Godavari and other development works besides attending to en-number of meetings conducted by the District Collector and other authorities of Forest Department in regular charge of Eluru Division while on other side, he has to address the serious protection problem of digging fish tanks by encroaching Kolleru Wildlife Sanctuary and related court cases, public complaints, MGNREGS works. Thus, he has to spend breathless time in performing multifarious functions at a time under high pressure and hardly left with no time to concentrate and closely monitor works in other divisions except mainly the works in the territorial jurisdiction of Eluru Forest Division. Therefore, he submitted representations 07.05.2015, 23.11.2015 and 19.01.2016 to the higher authorities for his relief from additional charge of other divisions but of no avail. Under these forced circumstances, he had to depend and rely on the Forest Range Officers and other field staff of Wildlife Management Division for controlling encroachments, filing cases, eviction of encroachments, getting field information for filing counter affidavits on time in court cases under helpless conditions by giving suitable instructions to them in good faith.

On receipt of W.P.No.4864/2015 on 27.04.2015, he gave instructions to the Forest Range Officer (FAC), WLM, Kaikaluru and Deputy Range Officer, WLM, Kaikaluru in Rc.No.526/WLO, dated 28.04.2015 for inspection of lands particularly Ac. 0.09 cents of land which was encroached by Sri I.V. Rama Raju and to dismantle and demolish all the illegal constructions and fish tanks if any of him. Instructions were also issued to record the coordinates and superimpose the scene of offence on the beat map and submit report with photographs for filing counter affidavit in the W.P. A reminder was also issued on 18.05.2015. Further, detailed instructions were also issued for removal all illegal constructions such as (i) Motor shed, RCC sump, sluice upto 25 m within and below +5 contour, (ii) demolish the shed basement, (iii) remove Iron gate (iv) Disconnect the electrical connection (v) seize the motors/engines in an extent of Ac. 0.09 cents of Govt land in R.S. No.39 of Kaikaluru village in Rc.No.526/WLO, dated 26.06.2015.

The Forest Range Officer, Wildlife Management, Kaikaluru submitted a report dated 11.07.2015 stating that the Deputy Range Officer and other beat staff of Kaikaluru have inspected illegal motor shed situated on the bank of Polaraju drain in Ac. 0.01 cents out of Ac. 0.09 cents in Rs.No.39, and removed the motor shed fully on 11.07.2015. The same fact was mentioned in the counter affidavit filed in the month of August 2015 basing on the factual information given by the field staff. The Hon'ble High Court during the hearing on 08.09.2015 observed that even though the counter affidavit filed stating that the unauthorized constructions were removed, the photographs filed along with reply affidavit of the petitioner, show that the shed which was constructed in one cent of land alone was demolished retaining rest of the constructions. The Court in its order dated 08.09.2015 directed the DFO, to submit information relating to the constructions existing in RS No.39 of Kaikaluru (V) on 29.09.2015.

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Keeping the above observation in view, instructions were issued to the Forest Range Officer in Rc.No.526/2015 WLO, dated 14.09.2015 directing him to completely demolish all illegal constructions in Ac.0.09 cents of land in RS No. 39 (0.09) lying below +5 contour under the cover of Panchanama. The Forest Range Officer, Kaikaluru in Rs. No. 11/2015/FRO KKLR, dated 24.09.2015 has submitted a report once again based on the report of the Deputy Range Officer, Kaikaluru stating that the motor shed and its constructions were completely demolished and dismantled on 23.09.2015 as per the directions of the Hon'ble High Court. Basing on the report of the Forest Range Officer, he sent compliance report in response to the orders dated 08.09.2015 of the Hon'ble High Court to the Government Pleader (Forests) for filing the same in the Hon'ble High Court on 29.09.2015 vide DFO's WLM division Rc.No.526/2015 WLO, dated 26.09.2015. Further, in the two occasions counter affidavit submitted in the Hon'ble High Court in August, 2015 and in the affidavit dated 13.10.2015, the information was submitted based on the factual reports submitted twice by the Forest Range Officer, Kaikaluru only and as such no false report was submitted. On perusal of the two reports of the Forest Range Officer, it reveals that in the 1st report dated 11.07.2015, it was stated that the motor shed alone was removed fully on 11.07.2015 and in the 2nd report dated 24.09.2015, it was reported that the motor shed and its constructions were completely demolished on 23.09.2015. It is evident that on 11.07.2015, only one structure was removed and on 23.09.2015 all the constructions were reported as removed. As such there is no contradiction in the reports submitted and not filed any false report as alleged. He has further stated that he could not inspect the field relating to the case in WP No.4864/2015 personally for want of time due to heavy work load.

The reports/affidavits were submitted to the Hon'ble High Court through the Government Pleader (Forests) on time basing on the factual repots of the field staff. The filing of reports in the Hon'ble High Court or otherwise by the Government Pleader (Forests) is not known to him. There is no apathy in taking action to get the illegal constructions removed. Thus, he has taken prompt action in removing the illegal constructions and filing reports /affidavits in the Hon'ble High Court.

The MoS has further submitted that Sri I.Venkata Rama Raju encroached an area of Ac. 0.09 cents in Rs.No.39 of Kaikaluru (V) fallen in Kolleru Wildlife Sanctuary as long back as in between 1996 and 1998 and constructed certain structures like sluice that is prior to issue of notification declaring Kolleru lake as Kolleru Wildlife Sanctuary during 1999 in G.O.Ms.No.120, EFS&T Dept dated 01.10.1999 and these structures were not removed during the Kolleru operation taken up as per the directions of Central Empowered Committee constituted by the Hon'ble Supreme Court of India. Those illegal structures were allowed to continue without demolition and eviction in the past by his predecessors and they are responsible. So, the charge and observation that he colluded with Sri I.V. Ramaraju and allowed the encroachments is far from truth.

As per Section 155 of APFD Code, Vol.I, the Forest Range Officer is the officer in executive charge and he is responsible to carry out inspections in detail and see that all his subordinates do the works entrusted to them properly and in the event of serious misconduct of any subordinates, the Range Officers should report such issues to the Divisional Forest Officer for taking corrective steps. The Range Officers should take effective measures to protect forest wealth in his custody. As per Section 156 of APFD Code, Vol.I, Deputy Range Officer is directly responsible to the Forest Range Officer for the proper protection

of forests and for execution of such works as may be ordered to be carried out. The Forest Range Officer and the Deputy Range Officer, Kaikaluru were instructed to remove the illegal constructions in the Sanctuary areas referred to above. So they are responsible for non removal of illegal constructions, and eviction of encroachments in their respective jurisdictions in compliance of the instructions issued by him.

The Principal Secretary to Govt (EFS&T) Dept, PCCF, A.P. and District Collector, Krishna district are the respondents in the said W.P. and a copy of the Writ Petition as well as further directions of the court were sent to them and as such they were aware of the case. Further, progress of all the court cases in the Wildlife Management, Eluru including the present case was informed to superiors. In the light of these facts, it is not correct to say that he has not reported the encroachment in Rs. No. 39 to the higher officials relating to the above case.

The MoS while denying the charge stated that he maintained utmost integrity, discipline and devotion to duty during his 32 years of service and he did not receive any adverse comments or faced disciplinary proceedings of any sort. He is very devotional in discharging his duties to the best satisfaction of his superiors.

4. After careful examination of the Written Statement of Defence of the Member of the Service and remarks of the Principal Chief Conservator of Forest (HoFF), AP, Government have decided to drop further action against Sri P.S.Srinivasa Sastry,IFS (2002), formerly Divisional Forest Officer (FAC), Wildlife Management Division, Eluru. Accordingly Government, hereby drop further action against Sri P.S.Srinivasa Sastry, IFS (2002), formerly Divisional Forest Officer (FAC), Wildlife Management Division, Eluru in the matter.

5. The Principal Chief Conservator of Forest (HoFF), Andhra Pradesh shall take further necessary action, accordingly, in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

NILAM SAWHNEY
CHIEF SECRETARY TO GOVERNMENT

To
The Principal Chief Conservator of Forest (HoFF), Andhra Pradesh.
Sri P.S.Srinivasa Sastry, IFS (2002) through the Principal Chief Conservator of Forest (HoFF), Andhra Pradesh.

Copy to:
The Environment, Forest, Since and Technoly Dept. A.P. Secretariat.
A.P. Vigilance Commission, A.P. Secretariat(Lr.No.1139/VCAB1/2020)
SF/SC/file.

//Forwarded::By Order//

SECTION OFFICER (SC)